

MAY 21 2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Patent Application No. 09/954,509

Appeal Brief No. 2009-0883

Confirmation No. 8458

Applicant: Omshele et al.

Filed: September 14, 2001

TC/AU: 2444

Examiner: Kristie D. Shingles

Docket No.: 213306 (Client Reference 00,204 US)

Customer No.: 23460

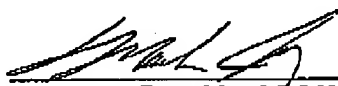
**REQUEST FOR TELEPHONIC HEARING**

Mail Stop Appeal Brief – Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Hearing dated May 13, 2009 and scheduled for Wednesday,  
June 10, 009 at 9:00 a.m., Appellants hereby request a telephonic hearing.

Respectfully submitted,



Mark Joy, Reg. No. 35,562  
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Date: May 21, 2009

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**UNITED STATES PATENT AND TRADEMARK OFFICE**

Board of Patent Appeals and Interferences

LEYDIG VOIT & MAYER, LTD  
TWO PRUDENTIAL PLAZA  
SUITE 4900  
180 NORTH STETSON AVENUE  
CHICAGO, IL 60601-6731

Appeal No: 2009-0883  
Appellant: Barry Omshehc, Janie West, Paul W. Forney et al.  
Application No: 09/954,509  
Hearing Room: A  
Hearing Docket: B  
Hearing Date: Wednesday, June 10, 2009  
Hearing Time: 09:00 AM  
Location: Madison Building - East Wing  
600 Dulany Street, 9th Floor  
Alexandria, Virginia 22313-1450

**NOTICE OF HEARING  
CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS**

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

The application involved in this appeal has been published. Accordingly, the hearing in this appeal is open to the public.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAI HEARINGS FAX No: (571) 273-0299

USPTO Central Fax No: (571) 273-8300

BPAI Mailing Address: Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. BOX 1450  
Alexandria, Virginia 22313-1450

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE: ( ) HEARING ATTENDANCE CONFIRMED ( ) HEARING ATTENDANCE WAIVED

Signature of Attorney/Agent/Appellant

Date

Registration No.

Names of other visitors expected to accompany counsel: \_\_\_\_\_

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see  
[http://www.uspto.gov/web/offices/dcom/sco/counsel/contact.html#bpa\\_contacts](http://www.uspto.gov/web/offices/dcom/sco/counsel/contact.html#bpa_contacts)